

## INDIANA LEGISLATURE.

(Omissions and curtailments of this report for want of space in this column will appear in an appendix to Volume XXII of the *Braver Legislative Reports*.)

## IN SENATE.

THURSDAY, Feb. 19, 1885—10 a. m.

## REPEAL OF HIGHWAYS.

Mr. CAMPBELL, of St. Joseph, offered an amendment to the bill (S. 21) which was pending at the adjournment yesterday, so as the repairs of bridges where over \$75 in cost shall be left to the discretion of the County Commissioners.

Mr. McINTOSH thought the Senate should consider this bill carefully. It would seem that every two years there is some new road law proposed, and we can not be too careful in tampering with a measure that affects every township in the State.

The amendment was adopted.

The bill was ordered engrossed.

## UNION DEPOT OR RAILWAYS.

On motion by Mr. WILLARD the Senate resumed its consideration of the bill (S. 189—see page 186) which was taken up.

Mr. WILLARD: It was represented in the Senate that it was a purely local question. Even on the third reading there was an attempt not to send the bill through. It is a bill for the creation of the greatest monopoly ever known in the State of Indiana, and the bill by a vote was not permitted to be amended. I entered a motion for a reconsideration of the vote by which it was passed. It would place in the hands of the Union Railway Company just what it felt pleased to demand on every car of freight passing through this city. Does that look like a bill for building a union depot? It is a close corporation, into which no man can buy—this stock must be alienated or transferred.

any way whatever, except as appurtenant to the railroads in each proprietary corporation. By this bill, changing all former laws, they may go out throughout the whole State, and where they find any land the railroads may want they will take it, and according to the provisions of any or either of the charters of any of these proprietary railway companies, or other laws. It gives to every railroad in the State the right to condemn land in fee simple anywhere in the State under the color of a railroad that enters in the State. There never was in the history of the State, such an attempt to pass such a monopoly under the pretense of building a union depot in the city of Indianapolis. The bill is actually drawn to defeat the will of property holders whose really is proposed to be used. It absolutely silences the voice of the people in the immediate vicinity of property they want, and these provisions are extended throughout the State of Indiana. If you pass this bill, for all time to come there never can be a company to compete with this Union Railway Company; you practically may no railroad line can ever be built from Indianapolis to Evansville. There never yet was attempted to be granted in this State such a monopoly—utterly preventing any additional railway competition in the city of Indianapolis, because no railroad can be built from this city but its business will conflict with that of some railroad now established. This bill for all time transfers to this monopoly the right to control all the railway traffic of the State, I never knew of such a monopoly as is proposed in this bill. In only two of the twenty sections of this bill is a Union Depot mentioned, but it comes here with the pretense of being a Union Depot bill, while in fact it is for the absolute ruin of certain property that company may wish to condemn, and gives to property holders no redress whatever. If this bill can be made a bill for the erection of a Union Depot so as to protect property holders, no man will more gladly favor such a proposition than myself.

Mr. WINTER: During the thirty-three years since the law was enacted there has been but one Union Railway Company formed in this State, and that is the one in this city; and so it has come to be said that this bill will add only the Union Railway Company, while, in fact, such Union Railway companies may be formed in any city of the State where the surroundings afford an occasion. Now when this company find it necessary to build a much larger depot, which will require the expenditure of over \$1,000,000, and to do it must have authority to borrow money, such legislation as is proposed in this bill becomes necessary. While this has been a matter of agitation in the city for many years past, and while all the papers of the city are united in urging upon the Legislature the passage of this bill, and while not a single citizen that I know of has objected, it is most marvelous that the Senator from Lawrence (Mr. Willard) has discovered this company to be an oppressive monopoly. Myself and my colleagues have no interest in any of the railway companies that would make us champions of them rather than our constituents. The Union Depot was constructed in 1852, and since then has had the right to levy toll, and has not discovered that any citizen of Indiana feels that he has been robbed or plundered by anything of the kind. Whoever heard of a railroad company that has not a right to levy a tax? Why, Senators, what is a railroad company organized for? Another nightmare the Senator has discovered is that this railway company has the right to go anywhere in the State and confiscate anybody's property. The Senator talks as though this was a new power. Let us see what powers are given by the present law (Reads Sec. 3, 185 of the code). The bill says that the Union Railway Company has had these powers that the Senator says are so terrible to the inhabitants of the State of Indiana. He says that this company may condemn property under the provisions of the charter of any one of these proprietary companies. Such a provision is also old with age (Reads Sec. 3, 187). Who has been hurt by it in the past thirty-three years? There is nothing new in the provisions of this bill on that subject. In this old law there is a provision that no advantage shall be taken of the benefits. The implication has been made that the Senate has been imposed upon, and I want to show that that is not the case. The argument that this corporation can go out anywhere in the State and condemn land is unworthy of notice; for every one knows property can be condemned only for the purposes stated—for the building of a Union Depot or for the purposes of a Union Railway Company. This bill, instead of being for the purpose of excluding, is brought here for the express purpose of bringing in all other railroad companies and giving them a voice in the management. The Union Depot and Railway belong now to but five railroads, and three of them are controlled by the Pennsylvania Railroad Company, and that road practically controls, as there are but two outside of the Pennsylvania Company. They can shut out any road from running cars over their tracks. We can see what a monopoly it has been for thirty-three years. Is this monopoly more odious now than at any time in the last thirty-three years? The other seven or six railroads running into this city have thought this would not be controlled by

these five old companies. The dissatisfaction has been so great that last fall they entered into an agreement that all railroad companies shall have admission to equal rights with the original five proprietary companies. Does that look like excluding the new railroad companies from the use of the Union Railway tracks? This contract says there shall be a Board of Managers, to consist of one from each company, including those that may hereafter come in. Instead of a monopoly it liberalizes the old monopoly. I have no objection to this bill being limited to the city of Indianapolis.

Mr. WILLARD: Will the Senator consent the bill may be amended so a majority vote shall admit other railroads instead of a unanimous vote? It should be like all other corporations.

Mr. WINTER: No, sir.

Mr. WEIR moved that the motion to reconsider be laid on the table.

This motion was agreed to by yeas 43, nays 2.

Mr. FOUKE explaining his affirmative vote: There are two or three provisions in the bill which had better not be there, but being satisfied that the amendments will be made to the bill as indicated by the Senator from Marion (Mr. Winter) I shall vote "aye."

## GENERAL APPROPRIATIONS.

On motion by Mr. WILLARD the Senate resumed its consideration of the bill (Mr. Magee in the Chair and proceeded to the consideration of the bill (H. R. 327—see page 189) making appropriations for the State government.

The CHAIRMAN directed the clerk to read the bill item by item.

Mr. YOCHE called attention to rule 45, which requires all bills, upon being considered in Committee of the Whole, to be first "read through by the Secretary."

The committee can not change a Senate rule.

The CHAIRMAN asked and obtained consent of the committee to proceed as he had directed.

The items of \$800 to the clerk of the land department in the Auditor's office, and also \$800 to the Auditor's clerk were increased on motion of Mr. Willard to \$1,200 each.

On motion by Mr. WEIR the committee rose, reported progress and asked and obtained leave to sit again at 2 o'clock.

## WOMAN SUFFRAGE.

Mr. FOUKE offered a joint resolution (S. 1) proposing an amendment to Article 2, Section 2 of the State Constitution by striking therefrom the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Then came a recess for dinner.

## AFTERNOON SESSION.

On motion by Mr. WILLARD the Senate resumed its sittings as a Committee of the Whole.

Mr. McCLURE moved to increase the salary of the Deputy Attorney General from \$600 to \$1,000.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

missioner is doing a great work in the introduction of fish culture, as I am informed.

Mr. BROWN moved the amendment.

Mr. FOUKE moved to strike it all out. This Fish Commissioner is located at my town, and of all the choice frauds ever perpetrated upon the people of Indiana it is the choice.

I think there are nine persons in eleven, and probably ten in Clay County, enjoying the benefits of this Fish Commissioner. Nobody has ever got any fish to speak of. Buckets have been sent there from all over the State, and I have received many letters asking why the writers do not get fish. When they do get any they get about two of the kind of a common tadpole. Laughter. I am in favor of fish, but when I want them I buy them, and don't ask anybody to buy them for me. The new Fish Commissioner has decided the German carp is a failure, and he will introduce some new kind, I suppose. The German carp is very much like a mud catfish. It is trying with the taxpayers to tax them for any such foolishness and fraud. This law was created in 1881. I hope it will no longer be allowed to remain on the statute book.

Mr. MAGEE: I voted for a similar proposition two years ago. The object of this bill is to preserve and propagate the fishes of the State. The object of the legislation is to develop the resources of the State. This is but a small appropriation. I shall never vote for any measure that is a retrograding measure. I believe in getting the most out of our backs and keeping abreast with the times. We protect our game, why not protect our fish? There is not one fish now where there were 1,000 twenty years ago. This has been a wise, economical and just proposition. I would like to see the fishes of the State protected and propagated.

Mr. FAULKNER: Nobody who has ever eaten German carp will say it is like a mud catfish. They are a No. 1—the best fish a man ever put in his mouth. Through the efforts of the Fish Commissioner, we have succeeded in getting a good many in Ripley County, and they are doing better than any fish, native or foreign. I have yet to find any gentleman or lady who has eat them but pronounces them superior to any fish they ever ate. I have seen a acre of water which affords a greater profit than any other ten acres of my land.

Mr. WINTER: This money will have to be disbursed by the Fish Commissioner under the provisions of the law. (Reads from act of 1881 creating the office of Fish Commissioner.) The word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

Mr. McCLURE accepted the amendment. Mr. WILLARD thought \$1,000 sufficient.

Mr. SMITH: I am not in favor of it, but I am in favor of the word "male" and inserting instead the words "without distinction of sex," which was read the first time and referred to the Committee on Woman's Claims.

Mr. WEIR moved to amend by making it \$1,200.

so stated yesterday. It takes a two-thirds vote, however, only when to make a bill a special order amends the rules. When it does not suspend the rules a majority vote is sufficient. When bills, as this appropriation bill, have been reported upon, they stand for second reading, and, according to my practice, I arrange them according to their numbers. This is common fairness to all, and so it was done. These appropriation bills were perfectly in order, for they came in with their numbers. Coming to that Chair under flattering circumstances, I have desired to treat all members, brilliant or lowly, whether his measure is great or small, with equal attention, and I hope to leave that Chair with that name.

Mr. SMITH, of Tippecanoe: If I were to appeal, privately to the Speaker to ask if I did not have the highest regard for him, he would say "yes." But I stand here believing with and representing the minority, and I must differ with the majority. There is another rule wrapped in this one decided upon. Yesterday morning, according to our resolution, the reports of committees were made, and according to custom not even read, but the purpose of them given, until we come to this particular one—the most important one yet coming up—when the committee report was read, and, contrary to all rules, it was made a special order for the afternoon. Why, the decision of the Speaker is that by a majority vote you can take up any bill on the second reading. By that process the majority could run their own measure at all times, and swamp the minority. The rules are made to protect the minority.

Mr. REEVES: I desire to make the point of order that the question is not debatable. The SPEAKER pro tem: The point is not well taken.

On motion by Mr. GOODING the appeal was laid on the table—yeas 57, nays 37.

Mr. WILSON made a point of order that the consideration of this bill is not properly before the House, because the bill has not come up in its regular order, and it would take a two-thirds vote to place it ahead of time.

The SPEAKER: The point of order is not well taken.

Mr. WILSON: I wish to appeal, and I sent the same to the Speaker's desk.

The SPEAKER: The appeal is a reiteration of the appeal just decided. It is out of order. I shall not entertain it.

Mr. WILSON: I shall appeal from the decision just rendered.

The SPEAKER: The Reading Clerk will proceed with the reading of the reports of the committee.

The question being on the minority report, it was laid on the table by yeas 57, nays 37.

Reading the roll call—

Mr. ADAMS, in explanation of his vote, said: For the reason that the old appropriation bill is fair, and the new one an outrage, I vote "no."

Mr. COPELAND, when his name was called, said: I desire to enter the following protest:

Mr. SPEAKER: We protest against the high-handed and summary action of the majority on this floor in applying the law in the disposition of the minority report on House Appropriation Bill No. 422 and 423, thereby absolutely shutting out the minority of the House, and suppressing the expression of the Indiana House of Representatives, on a subject of so much importance as redistributing the State for Congressional and Legislative apportionment.

Mr. FRENCH, explaining his vote, said: I have voted "no" on these measures, not since the Republicans have seen fit to dilute them.

Mr. KELLISON, when his name was called, said: I determined when I first learned of the provisions of these two appropriation bills to oppose them from first to last. I see no reason now for changing my mind. Hence my party association has seen fit to urge measures that are unfair to no reason why I should act and concert with them. Still, I prefer to walk with my own conscience, to rise with my own self-respect, and to vote "no."

Mr. KELLISON, said: At the present time I vote "aye," but when it comes to the final vote I can not disgrace the record of my party by such injustice.

Mr. OVERMAN: For the reason that it is a most outrageous partisan measure for the reason that all Democratic counties have the same representation as Republican counties twice as large, I vote "no."

Mr. PASSAGE, when his name was called, said: Because it is fair enough, I vote "aye."

Mr. REEVES: Because the minority report is fair, and because it was made by Democrats and they should be satisfied with it, I vote "no."

Mr. SAYRE: For fear that some may not understand my vote I shall explain. First, it abolishes the office I hold; and, seriously, because it disfranchises 6,000 or 8,000 Republicans, I vote "no."

Mr. SMITH, of Warren, when his name was called, said: Because it is unjust and discreditable to my party, I vote "no."

Mr. TAYLOR: As I vote as I talk, and as a reminder to our opposite brethren, I vote "no."

The vote was then announced as above.

And so the minority report was laid on the table.

Mr. WILLIAMS moved that the majority report be adopted, and moved the previous question.

The demand for the previous question being concurred in by yeas 58, nays 38, under its operations, the report of the committee was concurred in by yeas 51, nays 41.

Pending the roll call—

Mr. OVERMAN, explaining his vote, said: In view of the fact that debate has been cut off and as I could not have an opportunity to say that in making but one Representative from the counties of LaGrange and Stenben, the Democrats have used the only alternative, unless they should go over into Ohio or in Michigan for another county. I vote "no."

Mr. SMITH of Tippecanoe when his name was called said: I am sorry that I am not included in the invitation of the gentleman from Davies (Mr. Taylor) to go to their fatted calf with their opposite brethren.

The SPEAKER: I have no doubt the gentleman will be included.

Mr. SMITH: You have no calves but those in your booties. [Laughter.] As this is the last speech I may have a chance to make in behalf of my constituents I wish to make a few remarks.

Mr. TWINEHAM: As this is the most nefarious scheme ever known in politics, as now the Democrats have a majority of forty-six on joint ballot, and as this gerrymander will give them seventy or more, I vote "no."

Mr. WILSON, when his name was called, said: As the Democrats of this State have taken this most outrageous plan of theft, not having courage to follow their brethren in Mississippi and the Carolinas by the tissue ballot and shot-gun, I vote "no."

The vote was announced as above.

So the majority report was concurred in. The bill was read the second time.

The question recurring on the adoption of the amendments proposed by a majority of the Committee on Apportionments—

Mr. GOODING moved the previous question.

The House concurred the demand for the previous question, and under its operations the committee amendments were adopted by yeas 51, nays 41.

Pending the roll call—

here to day had others not done so; but I went to say to the Republicans that we have been calling "bloody murder" now for about a quarter of a century, and we propose to give them some of their own medicine. I vote "aye."

Mr. HELMS, when his name was called, said: As my county, Greene, gives 150 Representatives, and as Davies County has 250 Democrats, these counties were about evenly balanced, but by putting Greene and Sullivan together that aspect is changed, and as I would rather our Senatorial district would be represented by Mr. Taylor, who would make a more dignified and obedient Senator than Mr. Patten, of Sullivan, I vote "no."

The vote was then announced as above, so the committee amendments to the bill were adopted.

Mr. GOODING moved that the bill be engrossed, and moved the previous question.

The demand for the previous question was concurred in by yeas 58, nays 38, under its operations the motion was agreed to.

AFTERNOON SESSION.

NEW PROPOSITIONS.

Mr. STALEY introduced a bill (H. R. 481) allowing memorial and petitioning in schools of cities of over 10,000 inhabitants.

Mr. FRAZER presented a bill (H. R. 480) to legalize barbed wire fences.

Mr. WILLIAMS offered a joint resolution (H. R. 479) as follows:

Resolved by the General Assembly of the State of Indiana, That the following amendment be made to the Constitution of Indiana be and the same is hereby proposed, to-wit:

Amended Section 2 of Article 4 so that it shall read as follows: The members of the General Assembly shall receive for their services a compensation to be fixed by the law; but no increase of compensation shall take effect until the session at which such increase may be made. No session of the General Assembly shall extend beyond the term of 60 days, nor any special session beyond the term of thirty days.

It was read the first time.

APPROPRIATION BILL.

On motion of Mr. Adams, the House resolved itself into a Committee of the Whole—Mr. Adams in the chair—for the consideration of the bill (H. R. 479) making appropriations for the State government.

The bill was read the first time.

Mr. TAYLOR moved to amend item three by reducing the appropriation of \$35,000 for the building of boiler houses for the Asylum for the Insane to \$30,000. He said \$30,000 would be extravagant enough, and he for one could make money on the contract.

Mr. GOODING thought that \$30,000 would be too high, and asked that a stop be put to the waste of money.

Mr. McCLURE said that \$30,000 was certainly needed, and he should so vote.

The amendment was agreed to.

On motion of Mr. LOYD the committee arose, reported progress and asked leave to sit again at 10 o'clock to-morrow morning.

The report of the committee was concurred in.